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10 Attorneys for Defendant NORTH
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12 COMPANY

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT**

15 WILLIAM A. THAYER
16 CONSTRUCTION, INC.

17 Plaintiff,

18 v.

19 NORTH AMERICAN CAPACITY
20 INSURANCE COMPANY, and DOES 1-10,

21 Defendant.

22 **KENEALY LAW OFFICE**

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29 Attorneys for Plaintiff WILLIAM A. THAYER
30 CONSTRUCTION, INC.

31 **CASE NO: C-10-01019 LHK ADR**

32 **STIPULATION AND ORDER REGARDING
33 DISMISSAL OF CLAIMS FOR DAMAGES
34 ARISING OUT OF PHYSICAL AND
35 EMOTIONAL DISTRESS**

36 Judge: Hon. Lucy H. Koh
37 Dept.: 4
38 Complaint Filed: 02/10/2010
39 Trial Date: None Assigned

40 WHEREAS counsel for Plaintiff and Defendant have conferred regarding the scope of
41 Plaintiff's claims against Defendant; and

42 WHEREAS counsel for Plaintiff has agreed to dismiss Plaintiff's claims for damages
43 arising out of physical and emotional distress as set forth in the operative complaint and
44 Disclosures on file herein;

45 NOW THEREFORE, the parties, by and through their counsel of record, hereby stipulate
46 as follows:

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1. Plaintiff's claims for damages arising out of physical and emotional distress as set forth in the operative complaint and Disclosures on file herein shall be dismissed.

Dated: September 13, 2010

LAW OFFICES OF JACK KENEALY

BY

JACK KENEALY

Attorney for Plaintiff WILLIAM A.
THAYER CONSTRUCTION, INC

Dated: September 13, 2010

GRIMM VRANJES
McCORMICK & GRAHAM LLP

BY:

MARK VRANIES

MICHAEL B. MARTIN

Attorney for Defendant NORTH
AMERICAN CAPACITY INSURANCE
COMPANY

ORDER

Based on the stipulation of the parties and for good cause, IT IS HEREBY ORDERED:

Plaintiff's claims for damages arising out of physical and emotional distress shall hereby be dismissed.

Dated: November 10, 2010

BY

HONORABLE LUCY H. KOH
Judge of the United States District Court
For the Northern District of California